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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,531

04/12/2004

Thomas A. James

105.0074

3328

35987 7590 06/26/2008  
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EXAMINER

DONNELLY, JEROME W

ART UNIT

PAPER NUMBER

3764

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/822,531

Applicant(s)

JAMES, THOMAS A.

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 21-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected. 1-10, 12-22 24-26 and 28
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to. 11, 23 and 27
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

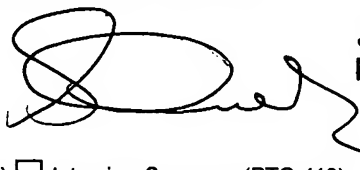
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
JEROME DONNELLY  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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Claims 11, 23 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-8, 12-18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plante.

After careful review of applicants amendments and remarks it has been determined that applicants claims merely represent a reversal of components of the disclosure of Plante. Plante discloses watches positioned on element (22) of his device, wherein the examiner is of the opinion that it would have been obvious to one of ordinary skill in the art to reverse the position of the notches of element 22 and tabs 24 so as to essentially form the said connection between element 22 and mat 18 of Plante. See the following:

The reversal of components in the prior art reference where there is no disclosed significance to such a reversal is a design consideration within the skill of the art. In re Gazda, 219 F. 2a, 449 104 USPQ 400 (CCPA 1955);

In re Jap. Kee, 181 F. 2d 101.9,86 USPQ 70 (CCPA 1950).

The examiner in this line of examination has designate element 18, Fig. 9, as the trampoline mate.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 12-31 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plante.

The above claims are rejected for the same reasons as set forth in the rejection of the claims set forth in the Office Action of 11/30/07 and further in view of the examiners additional statements as to a reasoning of the reversal of components and its applicability to the claims in view of the prior art of Plante.

Claims 1, 9, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plante in view of Moeller.

Claims 1, 9, 15 and 22 are rejected for the same reasons as set forth in the rejection of the same claims dated 11/30/07 and further in view of the examiners assertions of the applicability of the statement of reversibility of components.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze Jr. in view of Sidlinger.

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Schulze Jr. discloses a device substantially as claimed, in claim 10, absent the teaching of the device having a V-shaped configuration of the filament exposed at the notch area (13).

Sidlinger teaches a V-shaped configuration formed on the filament (21).

Given the above teaching of Schulze Jr. the examiner notes that it would have been obvious to one of ordinary skill in the art to provide V-shaped areas in the filament of Schulze Jr. for the purpose of positioning the spring member along the length of the filament of Schulze Jr.

In response to the applicants arguments, the examiner further notes that to extent a filament completely around a trampoline mate is known and obvious in the art, note the filament of Sidlinger.

Secondly note the folded over area (112) of Schulze Jr, which is considered by the examiner as a portion of the mat, once attached to mat 12 Fig. 10. The configuration shown in Fig. 10 is also considered a functional equivalent to applicants claim 10.

Claims 25, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ying in view of Shaw.

Ying discloses the device of claims 25, 26 and 28 substantially as claimed absent the teachings of the device wherein the filament extends the length of the channel and

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connects at opposite ends to form a loop and connection means in the form of sonic welding.

Shaw discloses a device having a flexible bed, folded one sections to define channels about its periphery, filaments (13) disposed in the channels, and the space between the channels, defining notches which expose said plurality of filaments and a plurality of springs.

Given the above teaching of manufacturing the filament material/connection points of springs of a trampoline to the mat, in the form of a continuous ring. The examiner notes that it would have been obvious to manufacture the filaments of Ying (13) of a continuous ring. The continuous ring providing an alternate and possibly stranger support configuration.

The examiner further notes that sonic welding and folded over edges of a trampoline mat are old and obvious in the art of manufacturing trampoline mats.

The examiner does not believe that applicants combination of old components known in the art patentably distinguishes applicants claims over the prior art.

As to the applicants remarks directed to the foldability of Ying the examiner notes that the applicant is not claiming notes that the applicant is not claiming a device which is not foldable and the applicant has not precluded that the filament be flexible. The filament of trampoline mats is known to buy ropes and or cables. The applicant is only claiming a filament, not a rigid bar or hoop.

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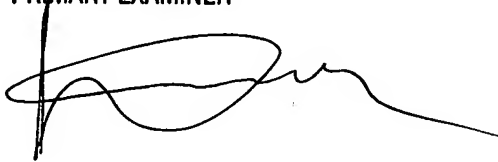
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Note the flexible cord (53) of Gerschefski (2004/0142800

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

Jerome Donnelly

JEROME DONNELLY  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Jerome Donnelly', written over the printed name and title.